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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,134	10/21/2003	Christopher J. Stakutis	SJO919970205US4/IMBCP013	6608
50799	7590	02/01/2006	EXAMINER	
ORIGIN LAW - IBM 333 N. INDIAN HILL BLVD SUITE 208 CLAREMONT, CA 91711			MOFIZ, APU M	
			ART UNIT	PAPER NUMBER
			2165	

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/691,134	STAKUTIS ET AL.	
	Examiner	Art Unit	
	Apu M. Mofiz	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed December 05, 2005 with respect to claims 1-40 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-40 are rejected under 35 U.S.C. 102(a) as being anticipated by Gibson et al., File Server Scaling with Network-Attached Secure Disks, ACM June 1997, pages 272-284 and hereinafter referred to as Gibson.

As to claims 1,2,3,4,16,19 and 20, Gibson teaches a digital data processing system with improved access to information stored on a peripheral device (i.e., “*By providing direct data transfer between storage and client, network-attached storage devices have the potential to improve scalability for existing distributed file systems (by removing the server as a bottleneck) ... The disk drive industry anticipates the marginal cost for on-disk Fibre Channel interfaces, relative to the common single-ended SCSI interface ... Seagate’s Barracuda FC is already providing packetized SCSI through Fibre Channel network ports to directly attached hosts ... Instead we focus on selecting a command interface that reduces the number*”).

of client-storage interactions that must be relayed through the file manager ... Common, data-intensive operations, such as reads and writes, offloading more of the file manager's work without integrating file system policy into the disk. ... while policy decisions are made in the file manager ... Authorization, in the form of a time-limited capability applicable to the file's map and contents, should be provided by the file manager to protect higher-level file systems' control over storage access policy. ... While a single drive object will suffice to represent a simple client file, multiple objects may be logically linked by the file system into one client file. ... As an example of a possible NASD access sequence, consider a file read operation depicted in Figure 3. Before issuing its first read of a file, the client authenticates itself with the file manager and requests access to the file. If access is granted, the client receives the network location of the NASD drive containing the object and a time-limited capability to access the object and for establishing a secure communication channel with the drive. After this point, the client may directly request access to data on NASD drives, using the appropriate capability." The preceding text excerpts clearly indicate that a client/first node and a server/file manager/second node is connected/coupled by a network e.g., a LAN/first pathway. The client is also connected to a storage device/peripheral device e.g. Seagate's Barracuda FC through a Fibre Channel network port i.e., third pathway. The server is also connected to the storage device through a network port i.e., the second pathway. A typical access request from a client to a file system wherein the files are stored in the storage device goes through the file manager/server. In this case, the client only needs initial file mapping, authorization, administrative information, i.e., file meta data from the server/file manager. After that all read, write or other file system operations go directly to the storage device. A command interface (i.e., filter driver) in the client/first node

reduces/filters file system requests that need to be relayed through the server/file manager and hence bypassing the server. The administrative information at the server/file manager includes file mappings i.e. data containing actual physical locations in the storage disk. The files may be linked logically also.) (pages 272-277), comprising: A. first and second nodes coupled to one another over a first communications pathway (See explanations above) (pages 272-277), B. the second node being coupled to a peripheral device over a second communications pathway (See explanations above) (pages 272-277), C. the first node being coupled to the peripheral device over a third communications pathway (See explanations above) (pages 272-277), D. a File system, executing on the first and second nodes, being capable of responding to access requests generated by the first node, for (1) transferring data designated by the request between the first node and the peripheral device via the second node and via the first and second communications pathways (See explanations above) (pages 272-277), (2) maintaining administrative information pertaining to storage of the data designated by the request on the peripheral device (See explanations above) (pages 272-277), E. a first bypass, executing on at least the first node, for interceding in response to at least a first selected access request applied thereby to the file system, by transferring data designated by that request between the first node and the peripheral device over the third communications pathway in accord with administrative information maintained by the file system pertaining to storage of that data on the peripheral storage device (See explanations above) (pages 272-277).

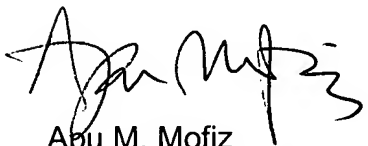
As to claims 5-15, 17-18, 20-27 and 29-40, the limitations of these claims are addressed in the rejected claim above (See explanations above) (pages 272-277).

Points of Contact

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Apu M. Mofiz whose telephone number is (571) 272-4080. The examiner can normally be reached on Monday – Thursday 8:00 A.M. to 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached at (571) 272-4146. The fax numbers for the group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.



Apu M. Mofiz
Primary Patent Examiner
Technology Center 2100

January 23, 2006